

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LAWRENCE SCHELZI AS EXECUTOR OF THE ESTATE OF GEORGIA LIAPERDOS,
Plaintiff

) Civil Action No.

05 CV 10796 MCF

v.

KEVIN CATARINO.

Defendant

MAGISTRATE JUDGE RBE

RECEIPT # 63685
AMOUNT \$ 50
SUMMONS ISSUED YES
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. RBE
DATE 4/21/05

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Lawrence Schelzi, duly appointed Executor of the Estate of Georgia

Liaperdos, by and through counsel, Boynton, Waldron, Doleac, Woodman & Scott, P.A., and respectfully submits this Complaint and Demand for Jury Trial, stating in support thereof as follows:

I. PARTIES

1. Plaintiff, Lawrence Schelzi, was duly appointed Executor of the Estate of Georgia Liaperdos by Order of the Rockingham County Probate Court dated March 18, 2005.

2. Defendant, Kevin Catarino, is, upon information and belief, a resident of the Commonwealth of Massachusetts with an address of 18 Austin Young Lane, Billerica, Massachusetts 01821.

II. JURISDICTION AND VENUE

3. Pursuant to 28 U.S.C. § 1332 there is diversity of citizenship between plaintiff and defendant and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

4. The venue is proper in this Court pursuant to 28 U.S.C. § 1391c in that defendant is both a resident of and domiciled in the Commonwealth of Massachusetts.

5. On August 16, 2004 plaintiff's decedent was a passenger on a motor vehicle/motorcycle owned and operated by defendant Catarino. That at said time and place while defendant was operating his motor vehicle/motorcycle in Jean, Nevada, defendant Catarino so negligently and carelessly operated his motor vehicle/motorcycle as to cause the death of the plaintiff's decedent in that while defendant was operating said motor vehicle/motorcycle he lost control of the motorcycle causing plaintiff's decedent to be thrown from the motorcycle causing plaintiff's decedent's wrongful death and other injuries and damages as set forth below.

COUNT I
(Wrongful Death)

6. Plaintiff realleges and incorporates herein Paragraphs 1-5 above, and by way of further allegation states as follows:

7. At all times relevant hereto defendant owed a duty of reasonable care in the operation, maintenance, control and use of his motor vehicle/motorcycle; to adhere to the rules of the road, both statutory and at common law; to otherwise keep his vehicle under control, keep a proper lookout and otherwise exercise reasonable care.

8. Despite these duties and without any negligence of the plaintiff or plaintiff's decedent contributing thereunto, defendant negligently, recklessly and carelessly operated his motor vehicle/motorcycle as aforesaid.

9. That as a direct and proximate result of defendant's negligence, plaintiff's decedent suffered serious and severe personal injury and death, mental anguish, pain and suffering, loss of enjoyment of life, funeral, medical, burial and related expenses, the loss of the probable duration of Georgia Liaperdos' life, the loss of Georgia Liaperdos' earning capacity

during her probable working life and other compensatory and statutory damages, all for which he is entitled to recover in an amount to be determined at trial.

DEMAND FOR JURY TRIAL

The plaintiff demands that this matter be tried to a jury on all Counts so triable.

WHEREFORE, the plaintiff, Lawrence Schelzi, duly appointed Executor of the Estate of Georgia Liaperdos, respectfully prays this Honorable Court as follows:

- A. To schedule a jury trial;
- B. Enter judgment in favor of the plaintiff for all claimed damages, interest, costs and attorneys' fees allowable under the law with respect to all claims in this case; and
- C. All further relief which the Court deems just and proper.

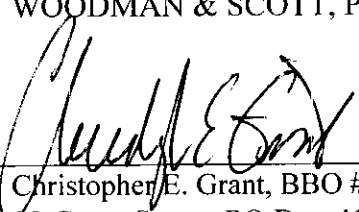
RESPECTFULLY SUBMITTED:

LAWRENCE SCHELZI AS EXECUTOR OF THE
ESTATE OF GEORGIA LIAPERDOS
By his attorneys:

BOYNTON, WALDRON, DOLEAC,
WOODMAN & SCOTT, P.A.

Dated: April 20, 2005

By: _____


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